

DISTRICT OF COLUMBIA PUBLIC SCHOOLS

NOTICE OF FINAL RULEMAKING

The Chancellor of the District of Columbia Public Schools, pursuant to section 103 of the District of Columbia Public Education Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-172) (2007 Supp.), and Mayor's Order 2007-186 (August 10, 2007), hereby gives notice of the adoption of the following rulemaking. This rulemaking will amend Title 5, Chapter 21, Sections 2106 and 2199 of the *District of Columbia Municipal Regulations* (DCMR) to extend the application period for out-of-boundary transfers and to replace the feeder school preference for out-of-boundary students with a right for students who are attending an out-of-boundary school to attend the next-level school in their current school's designated feeder pattern. This rulemaking will also redefine the Chancellor's discretionary authority to approve out-of-boundary transfers so as to permit a transfer when warranted to serve the best interests of an individual student and the school system.

Subsections 2106.3, 2106.4, 2106.5, and 2106.6 of Section 2106 (Out-of-Boundary Transfers) of Chapter 21 (Attendance and Transfers) of Title 5 of the DCMR are amended to read as follows:

- 2106.3 An adult student, an emancipated student, or a minor student's parent or guardian may apply for an out-of-boundary transfer for any of the following reasons:
- (a) His or her sibling currently attends the requested school;
 - (b) He or she resides within a three city-block radius, for elementary schools, or a five city-block radius for middle and junior high schools; or
 - (c) The adult student or minor student's parent or guardian prefers the requested school to his or her designated in-boundary school.
- 2106.4 Applications for out-of-boundary transfers for the following school year shall be submitted through the formal application process as defined and publicized by DCPS, not earlier than January 28th nor later than March 13th, stating the reasons for the request. The Chancellor or his/her designee shall send a response to any such request no later than March 31st.
- 2106.5 In reviewing the request for discretionary transfers, the Chancellor shall verify stated reasons for the request and fairly administer a lottery held in DCPS headquarters, giving preferences to students in accordance with the reasons for their transfer requests in the following order until available spaces are filled or all requests are granted:

- (a) His or her sibling currently attends the requested school;
- (b) He or she resides within reasonable walking distance of the requested school (within a three city-block radius for elementary students and a five city-block radius for middle and junior high school students); or
- (c) The adult student of the minor student's parent or guardian prefers the requested school to his or her designated in-boundary school.

2106.6 The Chancellor, and only the Chancellor, is authorized to grant a discretionary transfer and set the duration of the approval of the transfer when the Chancellor determines that the transfer would be in the best interests of the student, and that the transfer would promote the overall interests of the school system.

Subsection 2106.11 is amended to read as follows:

- 2106.11
- (a) Students who are admitted to schools outside the attendance zones established for their place of residence shall be entitled to attend these schools for the duration of their participation in the academic program except in the following circumstances:
 - (1) If the student is involuntarily transferred pursuant to section 2107 or;
 - (2) If the students are admitted to specialized schools, programs, or academies and the students no longer meet the criteria established for the specialized schools, programs or academies.
 - (b) A student who has been admitted to a school outside the attendance zone for his or her place of residence which has been designated as a feeder school by the Chancellor shall be entitled to attend the next- level school in the designated feeder pattern upon the student's completion of the program at the feeder school.

Section 2199 of Chapter 21 (Attendance and Transfers) of Title 5 of the DCMR is amended to read as follows:

2199 Definitions.

2199.1 Unless the same term or phrase is defined in § 2199.2, the definitions set forth in § 2099 are incorporated in this chapter by reference and shall apply to the terms and phrases used in this chapter.

2199.2 As used in this chapter, the following terms and phrases shall have the meanings ascribed:

“Feeder School” – a school that, upon students’ completion of the educational program offered at the school, sends its students to a particular higher-level school designated by the Chancellor.

“Feeder Pattern”- the group of schools within an attendance zone that, upon students’ completion of the educational program at each school, sends students to a particular higher-level school designated by the Chancellor.

“Sibling”- a child who:

- (a) Has at least one parent or legal guardian in common with a current DCPS student; and
- (b) Resides in the same household as the student.

“Specialized schools, programs and academies”- schools or programs that have specific admissions requirements and selection criteria, and that have been approved by the Chancellor.